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LEGISLATIVE SUPPLEMENT

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PART – I
HARYANA GOVERNMENT
LAW AND LEGISLATIVE DEPARTMENT

Notificaiton

The 31st January, 2019

No. Leg. 7/2019.— The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 16th January, 2019 and is hereby published for general information:—

HARYANA ACT NO. 7 OF 2019

**THE HARYANA DEVELOPMENT AND REGULATION OF URBAN AREAS
(SECOND AMENDMENT) ACT, 2018**

**AN
ACT**

further to amend the Haryana Development and Regulation of Urban Areas Act, 1975 in its application to the State of Haryana.

Be it enacted by the Legislature of the State of Haryana in the Sixty-ninth Year of the Republic of India as follows:—

<p>1. This Act may be called the Haryana Development and Regulation of Urban Areas (Second Amendment) Act, 2018.</p> <p>2. In section 3 of the Haryana Development and Regulation of Urban Areas Act, 1975 (hereinafter called the principal Act),—</p> <ul style="list-style-type: none"> (i) for sub-clause (iv) of clause (a) of sub-section (3), the following clause shall be substituted and shall be deemed to have been substituted with effect from the 3rd April, 2018, namely:— (iv) to construct at his own cost, or get constructed by any other institution or individual at its cost, schools, hospitals, community centres and other community buildings on the lands set apart for this purpose, within a period of five years from grant of licence or in the extended period as allowed by the Director and failing which the land shall vest with the Government after such specified period, free of cost, in which case the Government shall be at liberty to transfer such land to any person or institution including a local authority, for the said purposes, on such terms and conditions, as it may deem fit: 	<p>Short title.</p> <p>Amendment of section 3 of Haryana Act 8 of 1975.</p>
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Provided that in case the licensee, the purchaser or the person claiming through him fails to construct and use the site for the purpose it was meant for in the prescribed period and seeks extension, the Director may, if satisfied after making such enquiry, as he may consider necessary, extend the construction period for a maximum period of five years at a time, after recovery of such extension fees, as may be prescribed on per-acre per-annum basis:

Provided further that a show cause notice shall be issued and an opportunity of hearing shall be given before vesting the land in the Government:

Provided further that the applicant shall be exempted from the provisions of this clause where compliance of clause (iv-b) is sought by the Director.

Explanation.— In all licences issued at any date prior to the 3rd April, 2013, no extension fees shall be leviable for any extended period of construction prior to the 3rd April, 2018;

- (ii) in sub-section (4), for the words “two years”, the words “five years” shall be substituted.”.

Amendment of
section 8 of
Haryana Act 8
of 1975.

3. For section 8 of the principal Act, the following section shall be substituted, namely:-

“8. Cancellation of licence.- (1) A license granted under this Act, shall be liable to be cancelled by the Director if the colonizer contravenes any of the conditions of the license or the provisions of the Act or the rules made thereunder:

Provided that before such cancellation the coloniser shall be given an opportunity of being heard:

Provided further that upon issuance of such cancellation of licence the land and buildings involved in such licence, shall be deemed to vest with the Government, unless specifically relieved of this obligation by the Government.

(2) Upon cancellation of the licence, all necessary action shall be taken by the Director, either himself or through a third party agency identified by him, to secure the assets of the colony as well as to ascertain the claims and liabilities against the licensee.

(3) After securing the assets of the colony under sub-section (2) and without prejudice to the provisions contained in any other State law for the time being in force, the Director may, for the purposes of recovery of dues or for getting the balance development works completed for the purpose of granting completion certificate or otherwise, adopt all such measures, including alienation of the licence, or part thereof, alongwith the associated land to any third party after obtaining prior concurrence of the Government and adopting such procedure, as may be prescribed.

(4) Notwithstanding any of the provisions as above, any excess amount received from its allottees by the colonizer, shall be recovered by the Director. The Director shall recover any excess amount from the colonizer received from its allottees and in case all attempts to recover the same directly from the colonizer fail, such recovery shall be made as arrears of land revenue from all the assets under the ownership of the colonizer.”.

4. For section 10A of the principal Act, the following section shall be substituted, namely:-

“10A. Recovery of Dues.- (1) All dues payable to the Director under the provisions of this Act may be recovered as follows, namely:-

- (i) as arrears of land revenue upon a certificate of the amount due sent by the Director or an officer duly authorized by him in this regard to the Collector; or
- (ii) direct the bank holding the bank account of the person, company or other agency from whom the amount is due to the Director to freeze such account to the extent of the money due:

Provided that the Director shall initiate or continue any one of the two modes specified in clause (i) or clause (ii) for recovery:

Provided further that where the money on account of external development charges is due from the person, company or other agency granted a licence under this Act, the Director shall write to the Sub-Registrar having jurisdiction, to refuse, in exercise of the powers available under section 71 of the Registration Act, 1908 (Central Act 16 of 1908) to register any document for sale, exchange, gift, mortgage or lease of any immovable property located in the colony for which such licence was granted:

Provided further that the Director or any other officer duly authorized by him in this regard shall, in case the mode of recovery under clause (ii) is initiated, provide an opportunity of being heard to the person, company or other agency from whom the money is due, not later than three days, from the date on which direction is given to the bank:

Provided further that the defaulter shall continue to be liable for action, including criminal action, for such default under any other law for the time being in force.”.

MEENAKSHI I. MEHTA,
Secretary to Government, Haryana,
Law and Legislative Department.